



Senate

General Assembly

File No. 166

February Session, 2014

Substitute Senate Bill No. 45

Senate, March 27, 2014

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE EDUCATION OF CHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 10-94g of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2014*):

4 (a) (1) When in the opinion of the Commissioner of Education or a
5 designee of said commissioner, (A) a child may require special
6 education, or a child who required special education no longer
7 requires such education but requires or may require services under
8 Section 504 of the Rehabilitation Act of 1973, as amended from time to
9 time, and (B) the parent or guardian of such child cannot be identified,
10 the whereabouts of the parent cannot be discovered after reasonable
11 efforts to locate the parent have been made, such child is a ward of the
12 state or such child is an unaccompanied and homeless youth, both as
13 defined in 42 USC 11434a, as amended from time to time, the

14 commissioner or a designee of said commissioner shall appoint a
15 surrogate parent who shall represent such child in the educational
16 decision-making process. (2) A surrogate parent may also be
17 appointed for a child who is under the supervision of the Department
18 of Children and Families and receiving education services from
19 Unified School District #2 or any other facility run or contracted for by
20 the department or the Court Support Services Division of the Judicial
21 Branch, provided the parent or guardian: (A) Is notified by certified
22 mail that the child is or may be eligible to receive special education
23 and related services; (B) agrees or fails to object to the appointment of a
24 surrogate parent; (C) receives identical notices as the surrogate parent;
25 and (D) may revoke the appointment of a surrogate parent at any time.

26 Sec. 2. Section 17a-65 of the 2014 supplement to the general statutes
27 is repealed and the following is substituted in lieu thereof (*Effective*
28 *October 1, 2014*):

29 (a) The Departments of Education and Children and Families shall
30 be required to annually track the academic progress of each child and
31 youth in state custody, from prekindergarteners through those in
32 twelfth grade, and submit a report on such progress to the
33 achievement gap task force established pursuant to section 10-16mm.
34 The Court Support Services Division of the Judicial Branch, in
35 collaboration with the [State] Department of Education, shall create an
36 annual aggregate report on the academic progress of youth in its
37 custody.

38 (b) For each child or youth who is in state custody pursuant to
39 sections 17a-101 and 46b-129, the Department of Children and Families
40 shall include a description of the child's or youth's educational status
41 and academic progress in his or her case plan, as defined in section
42 17a-15. Such description shall include information regarding the child's
43 or youth's current levels of educational performance, including
44 absenteeism and grade level performance, and what supports or
45 services will or are being provided to improve academic performance.
46 For children and youth who are committed to Department of Children

47 and Families' custody pursuant to section 46b-129, the educational
48 status information shall be included in reports to the Juvenile Court
49 and shall be reviewed by the court when decisions are made regarding
50 the child's [well-being in] or youth's care.

51 (c) Each youth who is in a secure facility run or contracted for by the
52 Court Support Services Division shall have a case plan that describes
53 the youth's educational needs and grade-level performance and
54 identifies what supports or services will or are being provided to
55 support academic performance.

56 (d) The Department of Children and Families and Court Support
57 Services Division shall develop a plan to ensure that all facilities and
58 school programs run or contracted for by the department and the
59 division are able to meet the academic and related service needs of
60 enrolled children and youth. The plan shall ensure the ability to
61 provide for (1) the development of effective practices for acquiring and
62 reviewing students' educational records, including assessment of
63 enrolled youth's present levels of academic performance; (2) the
64 youth's identified educational and related service needs; (3)
65 appropriate and ongoing professional development on providing
66 educational and related services to abused, neglected and juvenile
67 justice-involved youth; (4) research-based instruction and standards-
68 based core curriculum for all enrolled youth; and (5) administrative
69 review of all programs run or contracted for by the department or
70 division. Such plan shall be finalized by July 1, 2014, and submitted to
71 the achievement gap task force established pursuant to section 10-
72 16mm.

73 (e) The superintendent of each school district that is providing
74 education to a child or youth who is committed to the Department of
75 Children and Families' custody pursuant to sections 17a-101 and 46b-
76 129 shall provide (1) the department, (2) a foster parent of such child or
77 youth, and (3) the attorney for such child or youth, a description of the
78 child's or youth's educational status and academic progress that is
79 substantially similar to the description provided to the parent or legal

80 guardian of a child or youth who is not committed to the Department
81 of Children and Families' custody. Such description shall include, but
82 not be limited to, information regarding the child's or youth's current
83 levels of educational performance, including absenteeism and grade
84 level performance, test results, report cards, individual success plans
85 and discipline reports.

86 (f) The Department of Children and Families and Court Support
87 Services Division shall promptly review the educational files of any
88 child or youth upon his or her entry into any facility or school program
89 run or contracted for by the department or the division to determine if
90 such child or youth may be eligible for special education pursuant to
91 sections 10-76a to 10-76h, inclusive.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2014	10-94g(a)
Sec. 2	October 1, 2014	17a-65

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
State Comptroller - Fringe Benefits ¹	GF - Cost	16,497	16,497
Education, Dept.	GF - Cost	174,000	165,000

Municipal Impact: None

Explanation

The bill increases the number of children under Department of Children and Families (DCF) supervision for whom the education commissioner may appoint a surrogate parent, and requires the superintendent of each school district providing education to a neglected or abused child committed to DCF custody to provide certain education-related information to various entities.

This requirement will result in a cost of \$190,497 in FY 15 and \$181,497 in FY 16 to the State Department of Education (SDE). The costs are associated with paying additional surrogate parents for the expanded group of children. It is estimated that under the bill there would be an additional 100 children who would require surrogate parents, at a cost of \$1,200 per child, per year, for a total of \$120,000. Additionally, the new surrogates would require training. It is estimated that SDE would be able to facilitate the necessary training for \$9,000, in FY 15 (3 training classes at \$3,000 per class). Lastly, SDE would require one part-time staff member to administer the program,

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.66% of payroll in FY 15 and FY 16.

with an annual salary of \$45,000 and corresponding fringe benefits of \$16,497. All of the cost components, except for the training, would occur in both FY 15 and FY 16.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to (1) the reimbursement rate for surrogate parents, and (2) the rate of fringe benefits, which is 36.66%.

OLR Bill Analysis**sSB 45*****AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE EDUCATION OF CHILDREN.*****SUMMARY:**

This bill increases the number of children under Department of Children and Families (DCF) supervision for whom the education commissioner may appoint a surrogate parent, and requires the superintendent of each school district providing education to a neglected or abused child committed to DCF custody to provide certain education-related information to (1) DCF, (2) the student's foster parent, and (3) the student's attorney.

It requires DCF and the Judicial Branch's Court Support Services Division (CSSD) to promptly review the educational files of any child or youth when he or she enters a facility or school program they run or contract with to determine if the child or youth may be eligible for special education and related services under state law.

It also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2014

APPOINTMENT OF A SURROGATE PARENT

By law, the education commissioner may appoint a surrogate parent, in place of a child's parent or guardian, to advocate for a child in the educational decision-making process (see BACKGROUND). The law currently allows him to do so for a child who is (1) under DCF supervision and (2) receiving educational services from Unified School District #2 (see BACKGROUND).

The bill also allows appointment of a surrogate parent for DCF-

supervised children receiving educational services at any other facility operated, or contracted for, by (1) DCF or (2) CSSD.

As under current law, the child's parent or guardian:

1. must be notified, by certified mail, that the child is or may be eligible to receive special education and related services;
2. must agree, or fail to object, to the surrogate parent's appointment;
3. must receive the same notices as the surrogate parent; and
4. may revoke the surrogate parent's appointment at any time.

PROVIDING INFORMATION ON A CHILD'S EDUCATIONAL STATUS AND ACADEMIC PROGRESS

The bill requires the superintendent of each school district providing education to a neglected or abused child committed to DCF custody to describe, to (1) DCF, (2) the student's foster parent, and (3) the student's attorney, the student's educational status and academic progress in a way that is substantially similar to the way the superintendent would describe this to parents or legal guardians of children who are not in DCF custody. This description must include:

1. information on the student's current level of educational performance, including absenteeism and grade-level performance;
2. test results;
3. report cards;
4. individual success plans; and
5. discipline reports.

BACKGROUND

Educational Decision Making Process

This process includes the (1) identification, evaluation, placement, hearing, mediation, and appeal procedures in state education law and (2) evaluation and planning procedures in federal law that may be available to a child after receiving special education and related services according to state law (CGS § 10-94f(2)).

Unified School District #2 (USD #2)

The legislature created USD #2 to serve children in DCF-run residential and day treatment facilities who cannot attend public school. According to DCF, USD #2 currently provides services to the (1) North and South campuses of the Albert J. Solnit Psychiatric Center (formerly Connecticut Children's Place and Riverview Hospital, respectively), and (2) Connecticut Juvenile Training School (soon to also have under its administration a 12-bed treatment center for girls on the Solnit Center's South Campus).

According to DCF, it operates or contracts with more than 100 other facilities to serve children in its custody, including group homes, safe homes, and temporary shelters.

CSSD Facilities

CCSD states that it runs or contracts with 11 juvenile facilities, including detention centers and residential facilities.

Committee on Children

Joint Favorable Substitute

Yea 12 Nay 0 (03/11/2014)